

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ALTON EARL INGRAM, JR.,)	
)	
Plaintiff,)	
)	NO. 3:17-cv-01565
v.)	JUDGE RICHARDSON
)	
TENNESSEE DEPARTMENT OF)	
HEALTH, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Doc. No. 70), recommending that Defendants' Motion to Dismiss (Doc. No. 54, "Motion") be granted in part. The Magistrate Judge recommends that Plaintiff's procedural due process claims under 42 U.S.C. § 1983 be dismissed with prejudice and his claims for declaratory relief under 28 U.S.C. § 2201 et seq. be dismissed without prejudice. The Magistrate Judge further recommends that Plaintiff's remaining federal and state law claims be dismissed under 28 U.S.C. § 1915(e)(2)(ii) for failure to state a claim upon which relief may be granted.

In the past, Plaintiff has suggested that he planned to file objections to the Report and Recommendation. He requested two extensions of time for so doing (Doc. Nos. 71 and 73), each of which the Court granted, providing Plaintiff extensions cumulative adding 100 days in which to file his objections. (Doc. Nos. 72 and 74). However, the latter of the two extensions gave Plaintiff, as he requested, until December 1, 2021 to file his objections. (Doc. No. 74). It is now December 22, 2021, and Plaintiff has not filed any objections, nor requested an additional extension of time, nor filed an explanation for the delay, nor contacted the Court in any way to

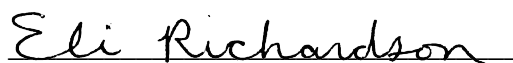
explain the delay. Thus, there are no timely objections from Plaintiff to the Report and Recommendation. (Doc. No. 70). Defendant likewise filed no objections.

The failure to object to a report and recommendation releases the Court from its duty to independently review the matter. *Frias v. Frias*, No. 2:18-cv-00076, 2019 WL 549506, at *2 (M.D. Tenn. Feb. 12, 2019); *Hart v. Bee Property Mgmt.*, No. 18-cv-11851, 2019 WL 1242372, at * 1 (E.D. Mich. March 18, 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The district court is not required to review, under a de novo or any other standard, those aspects of the report and recommendation to which no objection is made. *Ashraf v. Adventist Health System/Sunbelt, Inc.*, 322 F. Supp. 3d 879, 881 (W.D. Tenn. 2018); *Benson v. Walden Security*, No. 3:18-cv-0010, 2018 WL 6322332, at *3 (M.D. Tenn. Dec. 4, 2018). The district court should adopt the magistrate judge's findings and rulings to which no specific objection is filed. *Id.*

Nevertheless, the Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted and approved. Accordingly, Defendants' Motion is **GRANTED in part**. Plaintiff's procedural due process claims under 42 U.S.C. § 1983 are **DISMISSED with prejudice**, and Plaintiff's claims for declaratory relief under 28 U.S.C. § 2201 et seq. are **DISMISSED without prejudice**. Moreover, all of Plaintiff's other federal and state law claims are **DISMISSED with prejudice** under 28 U.S.C. § 1915(e)(2)(ii).

The Clerk is directed to close the file. This Order shall constitute the final judgment in this case under Fed. R. Civ. P. 58.

IT IS SO ORDERED.



ELI RICHARDSON
UNITED STATES DISTRICT JUDGE